

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES SANDERS,

Plaintiff,

v.

9:07-CV-298
(FJS/GJD)

L. BENWARE, Corrections Officer,

Defendant.

APPEARANCES:

OF COUNSEL:

CHARLES SANDERS
Plaintiff, Pro Se
02-A-1399
Riverview Correctional Facility
PO Box 247
Ogdensburg, NY 13669

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

CHARLES J. QUACKENBUSH
Asst. Attorney General

FREDERICK J. SCULLIN, JR., S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge Gustave J. DiBianco's Report-Recommendation filed December 10, 2007, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-

Recommendation having been filed, the Court hereby

ORDERS, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed December 10, 2007 is **ACCEPTED** in its entirety, for the reasons stated therein; and the Court further

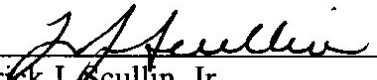
ORDERS, that defendant's motion to dismiss is **GRANTED**, and the Court further

ORDERS, that the complaint is **DISMISSED** in its entirety without prejudice, and the Court hereby

ORDERS, that the Clerk of the Court is to enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

DATED: January 10, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge